

**EXHIBIT 'E'**

Claims Office  
P.O. Box 1940  
Rancho Cordova, CA 95741  
Telephone: 916-955-6659 Fax  
916-904-5562

**PROGRESSIVE®**  
Underwritten by: **United Financial Casualty  
Company**  
Policy Holder: Novation Trucking Compan  
Claim number: 104104673  
Date of loss: 01/18/2010  
Today's date: 09/28/2010

Wagenseller Law Firm C/O Novation Trucking  
555 W 5Th Street 31St Flr  
Los Angeles, CA 90013

Your Client: Novation Trucking, Eddie and Leticia Atkins

Unfortunately, we are unable to provide coverage for the above referenced loss. This letter will explain the basis for this determination.

Our coverage investigation has revealed the following:

1. Your wife, Leticia Atkins reported the theft of your 2009 Kenworth W90 and 1998 Wabash Trailer to United Financial Casualty on February 5, 2010.
2. On February 8, 2010 we obtained Leticia's initial statement wherein she stated Damon Loudd was the last driver of your truck and trailer. She stated Damon parked the truck and trailer on the street in Fontana, CA. She stated on February 2, 2010 at approximately 10:30-11:00am she went with you and Damon to pickup the truck/trailer from Fontana and move them to a shop for state compliance work to be completed but noticed the truck and trailer were missing. Leticia stated you dropped off Damon and then proceeded to the police station to file a police report. She stated the truck and trailer had been paid off and were not listed for sale. She stated the truck/trailer were last used in November 2009 by driver Jonathan Wilkerson whom you had to let go due to credit card theft. She stated she had no suspects for the theft and had no financial problems.
3. On February 8, 2010 we also obtained your initial statement wherein you stated you last saw the truck and trailer on January 18, 2010 with Damon. You stated the trailer needed to be serviced according to a new state law and you finally saved approximately \$4000-5000 to have the service completed. You stated you, your wife(Leticia) and Damon arrived at the loss location around 10:30am and noticed both the truck and trailer missing. You stated you did not have any of the vehicle information with you therefore, you dropped off Damon at his residence and went home to obtain the vehicle information. You then drove to the police station to report the vehicles missing. You also stated you had no financial difficulties.
4. On March 1, 2010 we sent a Reservation of Rights letter requesting for your cooperation. We

needed to obtain in person statements from you and your wife with special investigator, Shawn Asselin, we needed your cell phone records, tax returns for 2008 and 2009, we needed the bill of sale for the truck and trailer and bank statements for your personal and business accounts from October 2009 to current.

5. On March 8, 2010 we were notified you had retained an attorney for your claim.

6. On March 25, 2010 we requested Examinations Under Oath for you and your wife, Leticia, with our attorney, Teresa Starinieri.

7. On April 23, 2010 we were notified the Examinations Under Oath were scheduled for May 12, 2010 however your attorney failed to confirm this appointment. On May 18, 2010 we sent another Reservation of Rights requesting for your cooperation and completion of your Examinations Under Oaths with attorney, Teresa Starinieri.

8. On May 28, 2010 we were informed by your attorney, Laine Wagenseller, he needed more time to obtain all the documents we requested and he would call to rescheduled the Examinations Under Oaths.

9. On July 14, 2010 you and your wife, Leticia completed your Examinations Under Oaths with our attorney, Teresa Starinieri. During both your testimonies, you testified that the vehicles from the end of November of 2009 up until January 18, 2010 had been stored at the abandoned parking lot of the Levitz store located near your residence in Hawthorne, California. You testified on January 18<sup>th</sup>, 2010, you along with your wife and Mr. Loudd moved the vehicles to Ilex street approximately 500 feet from Rubios Trailer Service. You and your wife denied ever attempting to sell the vehicles prior to this loss. You and your wife also denied ever having the vehicles stored at a storage facility or paying for storage at a storage facility.

10. On February 11, 2010, we spoke with Danny Rubio of Rubios Trailer Service. Mr. Rubio advised us that on December 15, 2010 you brought the truck and trailer to Rubios Trailer Service in order to store the vehicle and trailer. You advised Mr. Rubio that you were attempting to sell the tractor and trailer for \$100,000.00. Mr. Rubio further advised us that on Saturday, January 16, 2010, you and Mr. Loudd returned to Rubios Trailer Service and removed the truck and trailer as you could not afford to pay the monthly \$150.00 storage fee. Against the recommendation of Mr. Rubio, you and Mr. Loudd moved the truck and trailer on January 16<sup>th</sup> to the corner of Ilex and Whitman Avenue. On Sunday, January 17<sup>th</sup>, Joe Rubio noted that your truck and trailer were no longer parked at this location. Neither Danny Rubio nor Joe Rubio have seen the truck and trailer since this date and at no point in time did either of you or Mr. Loudd ever advise Danny or Joe Rubio that the truck and trailer had been stolen.

11. While you and your wife denied ever attempting to sell the truck and trailer, through our investigation we located an online advertisement for the truck and trailer. The advertisement was listed December 14, 2009 and was linked to an E-Bay advertisement which expired on December 20, 2009.

12. You and your wife have testified that on February 2, 2010, you intended to move the truck and

trailer from Ilex Street to the repair facility in order to have the trailer and tractor repaired as you now had the funds available. The estimated repairs for the mandatory emissions updates were estimated to cost between \$4,000.00 and \$8,000.00 dollars. You testified that the estimated costs for the trailer were between \$600.00 and \$700.00. Although the bank records submitted did indicate you had a positive balance, the records did not show the necessary funds available to pay for the work which would be needed on the vehicle in order to allow it to begin operating on the roadway pursuant to the new governmental regulations which had taken effect as of January 1, 2010.

13. Our Attorney, Teresa Starinieri confronted your wife with the advertisement we located in which she continues to deny but indicated your son may have listed the advertisement without either of your knowledge. Teresa also confronted your wife regarding the bank records which did not reflect enough funds to pay for the new government regulations for the trucks and trailer. Your wife claimed she had other bank statements which had not been submitted. We also requested for her Verizon Wireless Release form to obtain additional cell records.

14. On August 31, 2010 we sent a supplemental Reservations of Rights letter requesting for the additional bank records and Verizon Wireless Release form and to date have had no response.

Due to the multiple inconsistencies not limited to the above and lack of cooperation, we respectfully deny coverage.

Your policy, 6912 form edition 03/05, states on page 1 under:

**"YOUR DUTIES IN THE EVENT OF AN ACCIDENT, CLAIM, LOSS OR SUIT"**

**Notify Us As Soon As Practicable After An Accident Or Loss**

If an insured or **insured auto** is involved in an **accident** or **loss** for which this insurance may apply, the **accident** or **loss** must be reported to us as soon as practicable by calling **1-800-XXX-XXXX**, even if the insured is not at fault.

**You**, or any other person or organization claiming coverage as an insured, should provide the following **accident** or **loss** information as soon as it is available:

- time, place, and circumstances of the **accident** or **loss** (for example, how the accident happened and weather conditions);
- names and addresses of all persons involved, and of any witnesses;
- the license plate numbers of the vehicles involved; and
- any other facts available concerning the **accident** or **loss**.

**You**, or any other person or organization claiming coverage as an insured, must also notify the police within twenty- four (24) hours or as soon as practicable if:

- the owner or operator of a vehicle involved in the **accident** cannot be identified; or
- theft or vandalism has occurred.

**You** and any person or organization claiming coverage as an insured must:

- assume no obligation, make no payment, or incur no expense without **our** consent, except at the insured's own cost;

- cooperate with us in any matter concerning a claim or lawsuit;
- provide any written proof of loss we may reasonably require;
- allow us to take signed and recorded statements, including sworn statements and examinations under oath, and answer all reasonable questions we may ask as often as we may reasonably require;"

Also page 24 under "GENERAL PROVISIONS" #11 reads:

**"11. Fraud, Misrepresentation and Concealment**

This policy shall be void in any case of fraud by you, or anyone acting on your behalf, at any time as it relates to the policy. We may deny coverage for an accident or loss if you or any other insured knowingly concealed or misrepresented any material fact or circumstance or engaged in fraudulent conduct in connection with the presentation or settlement of a claim. We reserve all rights to indemnity against a person committing fraud or misrepresentation for all payments made and costs incurred."

After applying the facts known to us to the applicable policy language above we have concluded that we are not able to afford coverage for the above captioned loss due to your failure to fully cooperate and the multiple misrepresentation you have provided.

Should you not be satisfied with the handling of this claim, please immediately contact my supervisor, Kelly Dobbins, at 916-864-5189. You may also wish to discuss any wrongful denial or rejection concerns with the following state agency:

California Department of Insurance  
Consumer Affairs Division  
300 South Spring Street  
Los Angeles, CA 90013  
1-800-927-HELP or 1-213-897-8921

This decision is based on our investigation to date. **Please contact our office immediately with any information you feel may affect this decision.**

You have the right to consult with an attorney of your own choosing, at your own expense, with respect to the issues raised in this letter. If you have any information that contradicts the facts as revealed by our investigation to date or any other information you feel should be considered please contact me immediately.

Sincerely,

*Loni Craig*

Loni Craig, Ext.6157  
Claims Representative

lthamcrl@progressive.com

/lt

**EXHIBIT 'F'**





NOVATION

- HOME    FORUM    STORE    CHARTER BOATS    PICTURES    VIDEOS    TOURNAMENTS
- WEATHER    BOATS    CONTACT    ADVERTISING
- ARTICLES & TUTORIALS    EVENTS COVERAGE    FISHING REPORTS    MEMBER PHOTOS
- Main Forum    Register    FAQ    Members List    Calendar    Arcade



Members Login

Sport Fishing Forums > Boats, Motors & Electronics > Boats for Sale > Commercial  
 Sleeper Semi Trucks for Sale  
**Commercial Truck for Sale: 2009 Kenworth W900 w/Reefer**

User Name

☒ Remember



Credits: 0 [Check]



LinkBack    Thread Tools    Display Modes

12-14-  
2009, 02:40  
PM

Trucks  
for  
Sale

**Commercial Truck for Sale: 2009 Kenworth W900 w/Reefer trailer**

**2009 Kenworth W900 w/Reefer trailer**

Join Date:  
Jun 2009  
Posts:  
203,464  
Credits:  
672,799.6

**Model:** W900 w/Reefer trailer  
**Make:** Kenworth  
**Type:** Semi - sleeper conventional  
**Year:** 2009  
**Mileage:** 193000  
**Fuel Type:** Diesel

**Location:** hawthorne, CA  
**Condition:** Used  
**Engine make:** Cummins  
**Engine horsepower:** 600  
**Tire size:** 24.5  
**For Sale By:** Private seller

**Transmission type:** Manu  
**Transmission speeds:** 18  
**Suspension type:** Air  
**Number of axles:** Tandem  
**Class:** -  
**VIN:** 1XKWD49XX9R25036

- [CLICK HERE TO VIEW THE PRICE](#)
- [MORE DETAILS](#)



● **CLICK HERE TO VIEW MORE PICTURES**

2009 Kenworth W900 Vehicle Description 2009 Kenworth W900 with Cummins ISX600 600hp@ 200 1200rpm, 291 in wheelbase, 86 inch Aerocab sleeper, Fuller 18 speed transmission with 6 spring cer front axle, dual rear axles 40,000lbs with a 3.25:1 ratio, differential lock for dual rear axles, dual 150 g heater with integral defrosters & A/C, Air cushion premium leather seats, cd player with am/fm, and c options not listed. This is a truck is in good condition and well maintained. This sale needs to be paid not available from us, if you have any questions regarding the sale please feel free to contact me and questions as quickly as i can, thank you and good luck on bidding.

● **ARE YOU INTERESTED IN THIS TRUCK? CLICK HERE**

More...





Sign in

Cars & Trucks ▾

Parts & Accessories ▾

Motorcycles ▾

P

Back to home page | Listed in category: eBay Motors > Other Vehicles & Trailers > Commercial Trucks > Semi Trucks > Sleep

Bidding has ended on this item.

Item: 2009 Kenworth W900 w/Reefer trailer

## 2009 Kenworth W900 w/Reefer trailer

2009 Kenworth W900 w/Reefer trailer



Enlarge

Ended: Dec 20, 2009 20:30:41 PST

Bid history: 0 bids

Starting bid: **US \$90,000.00**  
Reserve not met

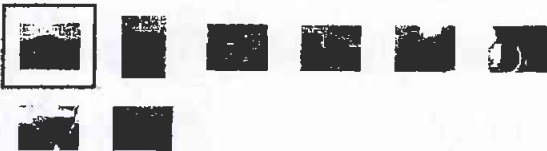
Get low monthly payments

Payment: Full payment required within 10 days c

Shipping: Buyer responsible for vehicle pick-up c  
Vehicle shipping quote is available.

Item Location: hawthorne, CA, United States

Coverage: This vehicle is eligible for up to \$50,00  
Protection. (Not eligible for eBay Buyer Pro



Description Shipping Payment Before You Buy

Last updated on 08:40 23 PM PST, Dec 13, 2009 View all revisions

## 2009 Kenworth W900 w/Reefer trailer

**Title:** 2009 Kenworth W900 w/Reefer trailer  
**Mileage:** 193,000 miles  
**Location:** hawthorne, CA

### Vehicle Information

**VIN:** 1XKWD49XX9R250364  
**Vehicle title:** Clear  
**Condition:** Used

### Features

|                         |                             |                           |         |
|-------------------------|-----------------------------|---------------------------|---------|
| <b>Type:</b>            | Semi - sleeper conventional | <b>Engine make:</b>       | Cummins |
| <b>Class:</b>           | —                           | <b>Engine horsepower:</b> | 600     |
| <b>Fuel type:</b>       | Diesel                      | <b>Suspension type:</b>   | Air     |
| <b>Number of axles:</b> | Tandem                      |                           |         |

## 2009 Kenworth W900

### Vehicle Description



0rpm, 291 in wheelbase, 86  
axle, dual rear axles 40.00  
integral defrosters & A/C,  
This is a truck is in good co  
if you have any questions  
can, thank you and good lu

SIU



### Safe Buying Tips for Vehicles

- 1 **NEVER** pay for a vehicle by instant cash transfer, such as Western Union or Moneygram.
- 2 **ALWAYS** check the My Messages section in your My eBay page to confirm any emails from us requestin
- 3 **GET** up to \$50,000 in Vehicle Purchase Protection **FREE** when you buy qualified vehicles on eBay Motor
- 4 **BEWARE** of fraudsters who send fake email messages claiming to represent or offer escrow services as

Be safe - get all the tips

00529

Seller assumes all responsibility for this listing.

[Back to home page](#) | [Report this item](#)  
| [Printer version](#) | [Sell one like this](#)

[Car Hauler](#) | [Semi Truck](#) | [Volvo](#) | [Used Cars Atlanta](#) | [Used Cars Chicago](#) | [Used Cars Detroit](#) | [Used Cars Houston](#)  
[Popular Parts and Accessories](#) | [Popular Vehicles](#) | [Motors Stores](#)  
[Kijiji](#) | [PayPal](#) | [ProStores](#) | [Apartments for Rent](#) | [Shopping.com](#) | [Tickets](#)

[About eBay](#) | [Community](#) | [Motors Security Center](#) | [eBay Toolbar](#) | [Buyer Services](#) | [Policies](#) | [Government Relatio](#)

© 1995-2010 eBay Inc. All Rights Reserved. eBay and the eBay logo are among the registered trademarks of eBay Inc. Kelley Blue brands are the property of their respective owners. Some automotive images © eVox Productions LLC, all rights reserved. Use of thi



Hello shawn3991! (Sign out.)

eBay

Buy Sell My eBay Res

All of eBay Motors



Cars & Trucks ▾

Parts & Accessories ▾

Motorcycles ▾

Powersports ▾

Boats ▾

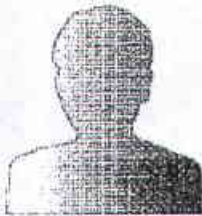
Other



Back to previous search

Home > Community > My World > novationtrucking09

## eBay My World: novationtrucking09 ( 0 )



### Feedback earned for transactions on eBay

Positive feedback: 0% | Feedback score: 0

[Learn about what these numbers mean.](#)

Member since: Dec-06-09  
Location: United States

Views: 1 total

Items for sale  
[Add to favorite sellers](#)  
[Contact member](#)

### Listings

This seller currently has  
no items for sale.

[About eBay](#) | [Community](#) | [Motors Security Center](#) | [eBay Toolbar](#) | [Buyer Services](#) | [Policies](#) | [Government Relations](#) | [Site Map](#) | [Help](#)

© 1995-2010 eBay Inc. All Rights Reserved. eBay and the eBay logo are among the registered trademarks of eBay Inc. Kelley Blue Book® and Blue Book® are registered trademarks of Kelley Blue Book Co., Inc. Other trademarks and brands are the property of their respective owners. Some automotive images © eVox Productions LLC, all rights reserved. Use of this Web site constitutes acceptance of the eBay User Agreement and Privacy Policy.